1996

Tennessee Public Acts 1996: Summaries of Interest to Municipal Officials

Dennis Huffer
Municipal Technical Advisory Service

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Tennessee Public Acts 1996

Summaries of Interest to Municipal Officials

By Dennis W. Huffer
Director of Legal Services
Tennessee Municipal League Risk Management Pool

Municipal Technical Advisory Service
A statewide agency of The University of Tennessee's Institute for Public Service in cooperation with the Tennessee Municipal League
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Users of this publication are cautioned that much judgment is involved in determining which public acts to summarize and how to summarize them. Before taking action or giving advice based upon any public act summarized here, one should consult the act itself and not rely on the summary.
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Airports

Chapter No. 624 (SB 2817/HB 2426). Airport authorities - board of commissioners. Amends T.C.A. 42-3-103 to allow airport authority boards to have 5 to 11 members rather than 5 members. This act does not apply in Metro Nashville.

Effective date: March 18, 1996.

Alcoholic Beverages

Chapter No. 641 (SB 2270/HB 2384). Beer permits - civil penalty. Amends T.C.A. § 57-5-108 (a) (2) to provide that acceptance of the civil penalty by a city excludes other penalties the city could impose. Makes other housekeeping changes to beer laws.

Effective date: March 20, 1996.

Animals

Chapter No. 668 (SB 2271/HB 2053). Guide dog and trainer - access to public buildings. Prohibits denial of access to guide dogs and their trainers to public buildings.

Effective date: March 22, 1996.

Chapter No. 789 (SB 2317/HB 1952). Prohibition of electronic dog locating collars prohibited. Amends T.C.A. Title 44, Chapter 17 to prohibit local governments from enacting or enforcing any ordinance or rule that prevents the owner of any dog from using an electronic locating collar.

Effective date: April 22, 1996.

Chapter No. 927 (SB 3113/HB 3052). Valuation of killed police dog. Amends T.C.A. § 39-14-205 to provide that the valuation of a killed police dog for purposes of determining the grade of theft prohibited by that section will be done by considering the cost and training of the dog. This Act provides that the justification for killing animals contained in § 39-14-205 (b) does not apply to someone who has committed a crime and is trying to escape.

Effective date: July 1, 1996.
Boards, Commissions, and Authorities

Chapter No. 599 (SB 2711/HB 2211). Rail authorities as agencies of local government. Amends T.C.A § 7-56-20 to provide that rail authorities act as agencies and instrumentalities of the creating and participatory counties and municipalities.

**Effective date:** March 15, 1996.

Chapter No. 624 (SB 2817/HB 2426). Airport authorities - board of commissioners. Amends T.C.A 42-3-103 to allow airport authority boards to have 5 to 11 members rather than 5 members. This act does not apply in Metro Nashville.

**Effective date:** March 18, 1996.

Chapter No. 696 (SB 2339/HB 2245). Emergency communications boards in Shelby County. Amends T.C.A § 7-86-105 (b) (5) to require one member of emergency communications boards in Shelby County to be an "actively engaged" firefighter rather than just a "firefighter".

**Effective date:** April 2, 1996.

Chapter No. 741 (SB 3093/HB 2974). Sports authorities - members of board of directors. Amends T.C.A. § 7-67-108 (a) to provide that the board of directors of a sports authority in metropolitan counties may have not more than 13 members. One director must be appointed from each school district and 1 from each state senate district in the county. Terms of current members are not affected.

**Effective date:** April 12, 1996.

Chapter No. 762 (SB 2355/HB 2176). Public building authorities - executive committee and administrator. Amends T.C.A. § 12-10-108 to allow the board of directors of a public building authority to establish an executive committee to superintend the administration of the affairs of the authority. This Act also allows the board to hire an administrator to administer the day to day affairs of the authority. This Act allows the board of directors to take action by written consent if this is authorized by by-law.

**Effective date:** April 17, 1996.

Chapter No. 778 (SB 2704/HB 2968). Private act hospitals. Amends T.C.A Title 7, Chapter 57 to give private act hospitals the same authority granted to metropolitan hospital authorities in T.C.A. Title 7, Chapter 57, Part 5.

**Effective date:** April 17, 1996.

Chapter No. 840 (SB 1952/HB 2244). TACIR appointments. Amends T.C.A. § 4-10-103 to require TML to provide for only 2 nominees, rather than 8, for each municipal vacancy on the TACIR. Amends T.C.A. § 4-10-106 to allow UT's Institute for Public Service to provide staff for TACIR.

**Effective date:** April 29, 1996.
Chapter No. 849 (SB 1975/HB 1956). Work release commissions in Shelby and Davidson Counties. Amends T.C.A. § 41-2-134 (c) to modify the composition of work release commissions in Shelby and Davidson Counties.

Effective date: May 3, 1996.

Chapter No. 924 (SB 3020/HB 3005). False advertising referring to 911 service. Amends T.C.A. Title 47, Chapter 50 to make it a Class C misdemeanor punishable by a fine only to make a false advertisement referring to 911 service. An emergency communications district can seek an injunction.

Effective date: July 1, 1996.

Chapter No. 938 (SB 1218/HB 771). Membership of railroad authority boards. Amends T.C.A. § 7-56-203 to increase membership on railroad authority board in one county and to provide that mayors serving on railroad boards may designate persons to sit for them. This Act also provides that the mayor in a metropolitan county serves on the board.

Effective date: May 13, 1996.


Effective date: May 13, 1996.

Chapter No. 977 (SB 2326/HB 2668). Racial minorities on planning commissions. Amends T.C.A. §§ 13-4-101 and 13-3-101 to require mayors and others who appoint members to planning commissions to strive for racial proportionality on the commissions.

Effective date: July 1, 1996.

Building and Utility Codes

Chapter No. 676 (SB 2155/HB 1976). State electrical code - precedence in multiple code jurisdictions. Amends T.C.A. § 68-102-113 to provide that the state electrical code takes precedence over conflicting local codes in cities and counties having multiple code jurisdictions. In disputes, the interpretation of the state fire marshal will prevail. This Act does not apply to municipalities that do their own inspections.

Effective date: March 28, 1996.


Effective date: June 1, 1996.
Business Regulation

Chapter No. 623 (SB 2683/HB 2677). Rent control prohibited. Amends T.C.A. Title 66 to prohibit municipalities from adopting or enforcing ordinances that control the amount of rent charged for leasing private residential or commercial property.

Effective date: July 1, 1996.

Chapter No. 769 (SB 2741/HB 2700). Ambulance licensing. Amends T.C.A. § 68-140-506 to exempt an ambulance service from licensure in Tennessee if the service renders emergency medical services in Tennessee at the request of a county or municipality.

Effective date: April 17, 1996.

Chapter No. 885 (SB 2228/HB 2481). Pawnbroker regulation. Amends T.C.A. § 45-6-219 to clarify how municipalities may regulate pawnbrokers.

Effective date: May 3, 1996.

Chapter No. 1004 (SB 3189/HB 3185). Tattoo establishments. Amends T.C.A. Title 62, Chapter 38 to regulate tattoo artists and establishments. Supersedes all local regulations.

Effective date: October 1, 1996.

Chapter No. 1009 (SB 3216/HB 3227). Private protective services. Amends T.C.A. Title 62, Chapter 35 to revise regulation of private protective services. Prohibits municipalities from regulating these businesses except as provided in the law.

Effective date: November 1, 1996.

City Courts

Chapter No. 633 (SB 3036/HB 3237). City judges in Hamilton County. Amends T.C.A. § 6-21-501 (c) (4), part of the City Manager - Commission Charter, to allow cities incorporated under that charter in Hamilton County to revoke approval of provisions allowing city judges to be popularly elected for an 8-year term.

Effective date: March 19, 1996.

Chapter No. 826 (SB 2200/HB 2167). Collection of delinquent fines and costs by collection agencies. Amends T.C.A. § 40-24-105 to allow municipal governing bodies by ordinance to authorize the employment of a collection agency to collect fines and costs that have not been collected within 60 days after they were due. The ordinance must provide that the contract between the municipality and collection agency be in writing. The fee of the collection agency may not exceed 40% of the sums collected. The contract must specify whether the agency may initiate a court action to collect the fines and costs.

Effective date: April 29, 1996.
City Manager - Commission Charter

Chapter No. 633 (SB 3036/HB 3237). City judges in Hamilton County. Amends T.C.A. § 6-21-501 (c) (4), part of the City Manager - Commission Charter, to allow cities incorporated under that charter in Hamilton County to revoke approval of provisions allowing city judges to be popularly elected for an 8-year term.

Effective date: March 19, 1996.

Chapter No. 652 (SB 2123/HB 2867). General law charters amended. Amends T.C.A. § 6-3-101, part of the general law Mayor - Aldermanic Charter, to clarify establishment and method of increasing or reducing the number of wards.

Amends T.C.A. § 6-4-301, also part of the Mayor - Aldermanic Charter, to clarify that only a city judge who meets constitutional qualifications may hear state cases.

Amends T.C.A. § 6-20-215, part of the City Manager - Commission general law charter, to clarify that ordinances must be passed on only two (2) readings.

Effective date: March 22, 1996.

Chapter No. 666 (SB 2710/HB 2032). Incorporation of certain territories. Amends all three general law charters to allow incorporation of certain territories notwithstanding general incorporation requirements.

Effective date: March 22, 1996.

Chapter No. 708 (SB 3058/HB 2889). Incorporation in Williamson County. Amends T.C.A. §§ 6-1-201 and 6-18-103 to allow incorporation within the prohibited distance of existing municipalities if the municipality by resolution indicates it is not interested in annexing the territory proposed for incorporation. This Act applies only in Williamson and adjoining counties.

Effective date: April 3, 1996.

Civil Procedure

Chapter No. 777 (SB 1636/HB 1551). Circuit court jurisdiction over human rights violations. Amends T.C.A. Title 4, Chapter 21, Part 3 to give circuit courts, in addition to chancery courts, jurisdiction over cases brought under the Human Rights Act.

Effective date: July 1, 1996.
Crimes and Criminal Procedure
(See also Law Enforcement and Motor Vehicles and Traffic)

Chapter No. 635 (SB 1958/HB 3012)  Transporting children in pick-up. Amends T.C.A. Title 55, Chapter 8, Part 1 to make it a Class C misdemeanor to transport a child under age 6 on public roads in the bed of a pick-up. Exempts parades and agricultural purposes.

Effective date: July 1, 1996.

Chapter No. 720 (SB 3135/HB 3161)  Theft of cable services. Amends T.C.A. § 7-59-109 to make it a Class E felony to manufacture, import, distribute, sell, or possess descramblers with the intent to steal cable TV service.

Effective date: April 4, 1996.

Chapter No. 800 (SB 2676/HB 3081)  Unlawful communication devices. Amends T.C.A. Title 39, Chapter 14 to make it a crime to make, distribute, possess, use, sell, give away, transport, or advertise unlawful telecommunications devices used for the theft of telecommunication services. Allows aggrieved persons a civil cause of action.

Effective date: July 1, 1996.

Chapter No. 830 (SB 2742/HB 2577)  Emergency medical workers - enhancement factor. Amends T.C.A. §§ 39-13-102 and 204 to make it an enhancement factor to assault or murder an emergency service worker.

Effective date: July 1, 1996.

Chapter No. 857 (SB 2395/HB 2491)  Circumcision of females. Amends T.C.A. Title 39, Chapter 13, Part 1 to make circumcision of a female a Class D felony unless it is done by a doctor for medical purposes.

Effective date: July 1, 1996.

Chapter No. 902 (SB 1944/HB 1946)  Aggravated vehicular homicide. Amends T.C.A. Title 39, Chapter 13, Part 2 to create the offense of aggravated vehicular homicide and make it a Class A felony. Vehicular homicide is aggravated when the defendant has 2 or more prior convictions for DUI and/or vehicular assault, the defendant has 1 or more prior convictions for vehicular homicide, or the defendant had a blood alcohol content of .20% or more and 1 prior conviction for DUI or vehicular assault.

Effective date: July 1, 1996.

Chapter No. 924 (SB 3020/HB 3005)  False advertising referring to 911 service. Amends T.C.A. Title 47, Chapter 50 to make it a Class C misdemeanor punishable by a fine only to make a false advertisement referring to 911 service. An emergency communications district can seek an injunction.

Effective date: July 1, 1996.
Education and Schools

Chapter No. 638 (SB 2124/HB 2356). Students on boards of education. Amends T.C.A. § 49-2-202 to allow boards of education that operate high schools to select not fewer than 4 high school students to serve on the board in an advisory capacity. Two must be on the college preparatory track and two on the technology track.

Effective date: July 1, 1996.

Chapter No. 643 (SB 70/HB 819). Principal-administrator academy. Amends T.C.A. § 49-5-5703 (a) (1) to require principals and administrators, except principals with 15 or more years of experience, to attend the principal-administrator academy at least once every 5 years.

Effective date: March 22, 1996.

Chapter No. 667 (SB 2146/HB 2048). Extra year for taking teacher certification test. Amends T.C.A. § 49-5-5605 to allow an extra year in some circumstances for applicants to take the state teacher certification test.

Effective date: March 22, 1996.

Chapter No. 843 (SB 2887/HB 2607). Disclosure requirements for persons applying for positions requiring close proximity to children. Amends T.C.A. §§ 49-5-406 and 413 to expand requirements relative to disclosure by and release of investigative records of applicants for school positions to apply to persons applying for positions requiring close proximity to children and not just teachers. School boards may require a person employed to pay the costs.

Effective date: July 1, 1996.

Chapter No. 863 (SB 2702/HB 2706). Compulsory attendance. Amends T.C.A. § 49-6-3005 to allow local boards of education to excuse children from attendance in accordance with state guidelines.

Effective date: May 3, 1996.

Chapter No. 888 (SB 3008/HB 2910). Drug free and safe schools. Amends T.C.A. Title 49, Chapter 6, part 42 to require local boards of education to adopt and file with the commissioner annual drug free and safe schools policies.

Effective date: May 3, 1996.

Chapter No. 891 (SB 2701/HB 3179). Safe schools. Amends T.C.A. Title 49 to authorize the Commissioner of Education to develop advisory guidelines for local boards in developing safe schools. The guidelines must emphasize consultation with local law enforcement authorities.

Effective date: May 3, 1996.

Chapter No. 894 (SB 317/HB 177). School nurses. Amends T.C.A. § 49-3-359 (c) (1) to require local education agencies that have fully funded BEP's to use funds to employ a school nurse or to
notify the Department that they have chosen not to do so and of their alternative arrangements to meet the health needs of students.

Effective date: May 8, 1996.

Chapter No. 923 (SB 3074/HB 2987). Bidding on construction contracts for schools. Amends T.C.A. § 49-2-203 (a) (4) (C) to provide that construction management is a professional service. Actual construction, however, must be provided through competitive bids, but cost is not the sole criteria. Contract managers must be licensed contractors.

Effective date: May 8, 1996.

Chapter No. 935 (SB 726/HB 986) Uniform clothing. amends T.C.A. § 49-1-302 to require the state board of education to develop guidelines for local adoption requiring uniform clothing for public school students.

Effective date: July 1, 1996.

Chapter No. 954 (SB 1715/HB 1634). Early childhood education. Amends T.C.A. § 49-6-101 to allow the Department of Education through competitive grants and technical assistance to administer pilot programs of community based early childhood education and pre-kindergarten programs.

Effective date: July 1, 1996.

Chapter No. 961 (SB 2821/HB 2289). Teacher loans. Amends T.C.A. Title 49, Chapter 5 to allow local education agencies to offer interest free loans to teachers to obtain a master's or doctoral degree at state schools.

Effective date: May 13, 1996.

Chapter No. 979 (SB 2908/HB 2712). Assistance with medications. Amends T.C.A. Title 49, Chapter 5 to allow local boards of education to permit an employee or person under contract to the board to assist in the self-administration of medications under certain conditions.

Effective date: May 13, 1996.

Chapter No. 981 (SB 3165/HB 2745). Definitions. Amends T.C.A. § 49-3-351 to require the Commissioner of Education to establish definitions of ADM, FTEADM, and I&S, to be used to determine each LEA's BEP funding.

Effective date: July 1, 1996.

Chapter No. 987 (SB 2114/HB 2859). Two-way communications. Amends T.C.A. § 49-1-302 to require the state board of education to develop and recommend to local boards training or notification procedures for use of two-way communication systems.

Effective date: May 13, 1996.
Chapter No. 988 (SB 2116/HB 2861). Codes of conduct. Amends T.C.A. Title 49, Chapter 6 to require local education agencies to have student codes of conduct. Copies must be posted in schools.

*Effective date: May 13, 1996.*

Chapter No. 1045 (SB 2563/HB 2374). Pilot alternative schools programs. Amends T.C.A. Title 49, Chapter 6 to require pilot alternative schools programs. One program will be implemented in each grand division. There will be a competitive grant of $25,000 for each program.

*Effective date: May 15, 1996.*

**Elections**

Chapter No. 603 (SB 1970/HB 1970). Election required after legal proceeding - payment of expenses. Amends T.C.A. § 2-12-109 to require that when a court orders a second municipal election because of an error of the election commission, the county must pay the expenses of the election unless the error was caused by misinformation provided by the municipality.

*Effective date: March 18, 1996.*

Chapter No. 765 (SB 2524/HB 2208). Voter registration - residence located inside and outside city. Amends T.C.A. § 2-2-107 to provide that a voter whose residence is located on real property that is partly inside a city and partly outside may register to vote either in the city or the county. This is a one time choice.

*Effective date: April 17, 1996.*

Chapter No. 820 (SB 1840/HB 1840). Nonresident voting in Collinwood. Amends T.C.A. § 6-20-106 to allow nonresident property owners to vote in Collinwood.

*Effective date: July 1, 1996.*

Chapter No. 1028 (SB 2235/HB 2827). Extended hours for early voting. Amends T.C.A. § 2-6-103 (b) to provide that extended hours and extra days for early voting in counties over 150,000 population apply also to municipal elections for the county's principal municipality. The municipality must pay for the additional hours.

*Effective date: May 15, 1996.*

**Eminent Domain**

Chapter No. 1052 (SB 2691/HB 2928). Eminent domain across county lines restricted. Amends T.C.A. Title 6, Chapter 54, Part 1 to require a municipality seeking to acquire property by eminent domain in a county in which any part of the municipality did not exist as of May 1, 1995, to notify in writing the county clerk of the county where the property is located. The county clerk must notify
the members of the county legislative body and the county executive. The county legislative body must approve or disapprove the municipality's proposal no later than its next regularly scheduled meeting and may hold a special meeting for this purpose. If the county approves or takes no action, the municipality may proceed.

The vote of the county legislative body may not be arbitrary or capricious and must be based upon materials and evidence presented at the meeting. The county’s disapproval may be appealed through statutory writ of certiorari. Trial of the case is given priority over other cases except workers' compensation cases.

This Act does not apply to:

- The use of eminent domain to acquire property used directly or indirectly for municipal utilities.
- The use of eminent domain for airports.
- The use of eminent domain for joint projects of a municipality and county.
- The use of eminent domain by metropolitan governments for utilities and storm water management, joint projects, and certain projects contiguous to the county's boundary.

Effective date: May 15, 1996.

Environment
(See also Solid Waste)

Chapter No. 733 (SB 2601/HB 2818). Underground storage tanks - operators and security interest holders. Amends T.C.A. Title 68, Chapter 215 to establish that holders of security interests in underground storage tanks generally will not be considered "owners" or "operators" for purposes of complying with environmental regulations unless the holder participates in management or daily operations of the tank system.

Effective date: April 12, 1996.

Chapter No. 864 (SB 2720/HB 2687). Clean-up of petroleum leaks. Amends T.C.A. § 68-215-127 to require that all petroleum releases that by request or direction require a clean-up will be subject exclusively to the soil and groundwater classification and clean-up criteria promulgated under the law dealing with underground storage tanks.

Effective date: May 3, 1996.
Chapter No. 1023 (SB 2054/HB 2180). Trucks hauling litter to energy recovery facilities. Amends T.C.A. § 39-14-503 (a) to provide that trucks hauling litter to an energy recovery facility and having a gross weight of less than 16,000 pounds "shall be required" to have the litter in an enclosed space unless the truck has a hydraulic lift system.

*Effective date: July 1, 1996.*

Chapter No. 1033 (SB 2346/HB 2493). Hazardous waste facilities. Amends T.C.A. § 68-212-107 to prohibit hazardous waste facilities at sites that do not meet the criteria of regulations issued by the Department of Environment and Conservation.

*Effective date: May 15, 1996.*

**Finance**

(See also the topics on *Taxes* and *Purchasing*)

Chapter No. 614 (SB 2199/HB 2071). Counties brought under Revenue Bond Law. Amends T.C.A. § 7-34-102 to bring counties under the Revenue Bond Law.

*Effective date: March 18, 1996.*

Chapter No. 621 (SB 2562/HB 2897). Collateral pool boards combined. Amends T.C.A. Title 9, Chapter 4 to combine the bank and savings institution collateral pool boards.

*Effective date: March 18, 1996.*

Chapter No. 632 (SB 2935/HB 2715). Refunding bonds - sale at private negotiated sale. Amends T.C.A. § 9-21-910 (c) (2) to remove the prohibition on selling refunding bonds issued to refund bond anticipation notes or capital outlay notes at private negotiated sale.

*Effective date: March 19, 1996.*

Chapter No. 695 (SB 2322/HB 2662). Mass transit study. Amends T.C.A. Title 4, Chapter 21 to require the Comptroller to do a study of the differences in funding for mass transit for inner city neighborhoods compared to other neighborhoods.

*Effective date: April 2, 1996.*

Chapter No. 794 (SB 2997/HB 2837). Borrowing by electric and gas systems. Amends T.C.A. § 7-34-111 to allow short term borrowing through the issuance of revenue anticipation notes by municipal electric and gas systems. The borrowing must be for the purchase of electrical power or gas, including storage and pipeline capacity costs. The amount of borrowing cannot exceed 60% of the total purchases of electricity or gas in a year and the notes must be paid off within that time. The system must have positive retained earnings and must have produced positive net income 1 year out of 3 immediately preceding issuance of the notes. Notes must be approved by the director of local finance. A 1 year renewal is allowed, or notes may be retired by funding bonds.

*Effective date: April 22, 1996.*
Chapter No. 826 (SB 2200/HB 2167). Collection of delinquent fines and costs by collection agencies. Amends T.C.A. § 40-24-105 to allow municipal governing bodies by ordinance to authorize the employment of a collection agency to collect fines and costs that have not been collected within 60 days after they were due. The ordinance must provide that the contract between the municipality and collection agency be in writing. The fee of the collection agency may not exceed 40% of the sums collected. The contract must specify whether the agency may initiate a court action to collect the fines and costs.

Effective date: April 29, 1996.

Chapter No. 850 (SB 2058/HB 2300). Co-payments for medical care. Amends T.C.A. § 41-4-115 to allow municipalities and counties to establish a co-payment plan for medical care and pharmacy services received by inmates in a jail or workhouse. The plan must be approved by a 2/3 vote of the governing body. The county or municipality must establish the amount the inmate must pay for each service. For inmates who cannot pay, the necessary amounts may be deducted from any account or fund established for the inmate while incarcerated. The plan may also authorize the jail or workhouse administrator to seek reimbursement through insurance, TennCare, or other sources.

Effective date: May 3, 1996.

Chapter No. 909 (SB 2899/HB 2589). Use of personal names of officials on checks. Prohibits employees or officials who must receive checks from requiring that the check be made to the official rather than the government or agency.

Effective date: May 8, 1996.

Chapter No. 910 (SB 2952/HB 2670). Forfeiture of vehicle used in second or subsequent DUI. Amends T.C.A. § 55-10-403 (k) to make the vehicle used in a second or subsequent DUI subject to seizure and forfeiture. Local governments seizing vehicles get only 15% of revenues from sold vehicles to compensate for expenses of sale. The state gets 85%.

Effective date: January 1, 1997.

Chapter No. 923 (SB 3074/HB 2987). Bidding on construction contracts for schools. Amends T.C.A. § 49-2-203 (a) (4) (C) to provide that construction management is a professional service. Actual construction, however, must be provided through competitive bids, but cost is not the sole criteria. Contract managers must be licensed contractors.

Effective date: May 8, 1996.

Chapter No. 974 (SB 2254/HB 2636). Special assessments for solid waste on property tax bills. Amends T.C.A. § 67-5-103 to allow municipalities that fund all or part of waste disposal by special assessment to bill the homeowners on property tax notices. The municipality must bear the costs of placing the notice on property tax bills.

Effective date: May 13, 1996.
Chapter No. 1036 (SB 2406/HB 2353). Medical care of inmates on work release. Amends T.C.A. § 9-8-307 (a) (2) to clarify that a municipality using a state inmate on work release is not liable for medical care of injuries to the inmate incurred while on work detail.

Effective date: May 15, 1996.

Chapter No. 1062 (SB 2977/HB 2819). Block grant administration. Requires state agencies to seek advice from local government officials in implementing reorganizations and making decisions related to block grants. This Act requires state agencies to make block grant decisions in a way that minimizes harmful impacts on local governments.

Effective date: July 1, 1996.

Chapter No. 1083 (SB 3177/HB 3165). Appropriations Act. Makes appropriations to defray the expenses of state government for the fiscal year beginning July 1, 1996.

Effective date: July 1, 1996.

Firefighting

Chapter No. 937 (SB 1137/HB 697). State fire academy established. Amends T.C.A. Title 68, Chapter 102, Part 1 to create the Tennessee Fire Service and Codes Enforcement Academy in the Department of Commerce and Insurance. Transfers employees from the Board of Regents. Repeals T.C.A. § 49-8-701.

Effective date: July 1, 1996.

Health

(See also Jails)

Chapter No. 786 (SB 2479/HB 2365). Disclosures for Alzheimer's patients. Amends T.C.A. Title 68, chapter 11 to require political subdivisions and other entities that advertise or offer to provide care to Alzheimer's patients to disclose the form of care that exceeds that provided to other patients.

Effective date: January 1, 1997.

Chapter No. 806 (SB 3225/HB 2489). Testing of inmates for bloodborne pathogens. Amends T.C.A. Title 41, Chapter 51, Part 1 to require persons in charge of jails to test an inmate for bloodborne pathogens when the inmate's blood or other potentially infectious fluids come into contact with an employee or visitor. The test must be done with or without the inmate's consent. The person in charge of the jail must disclose the results to the employee or visitor who reasonably believes he or she might have been exposed to bloodborne diseases or pathogens. Any person informed of the results must treat the information as confidential.

Effective date: April 25, 1996.
Insurance

Chapter No. 893 (SB 165/HB 151). Treatment for phenylketonuria. Amends T.C.A. Title 56, Chapter 7, Part 25 to require group health insurance policies that provide hospital and surgical expense coverage to provide coverage for the treatment of phenylketonuria.

Effective date: July 1, 1996.

Jails

Chapter No. 703 (SB 1966/HB 1957). Jails. Amends T.C.A. § 41-4-109 to require jailers to furnish inmates adequate food and bedding.

Effective date: April 3, 1996.

Chapter No. 806 (SB 3225/HB 2489). Testing of inmates for bloodborne pathogens. Amends T.C.A. Title 41, Chapter 51, Part 1 to require persons in charge of jails to test an inmate for bloodborne pathogens when the inmate's blood or other potentially infectious fluids come into contact with an employee or visitor. The test must be done with or without the inmate's consent. The person in charge of the jail must disclose the results to the employee or visitor who reasonably believes he or she might have been exposed to bloodborne diseases or pathogens. Any person informed of the results must treat the information as confidential.

Effective date: April 25, 1996.

Chapter No. 850 (SB 2058/HB 2300) Co-payments for medical care. Amends T.C.A. § 41-4-115 to allow municipalities and counties to establish a co-payment plan for medical care and pharmacy services received by inmates in a jail or workhouse. The plan must be approved by a 2/3 vote of the governing body. The county or municipality must establish the amount the inmate must pay for each service. For inmates who cannot pay, the necessary amounts may be deducted from any account or fund established for the inmate while incarcerated. The plan may also authorize the jail or workhouse administrator to seek reimbursement through insurance, TennCare, or other sources.

Effective date: May 3, 1996.

Juveniles

Chapter No. 982 (SB 2795/HB 2758). Restitution by delinquents. Amends T.C.A. § 37-1-131 to require restitution by an adjudged delinquent when monetary damages resulted from the delinquent's acts unless the court determines restitution is inappropriate.

Effective date: July 1, 1996.
Law Enforcement
(See also Crimes and Criminal Procedure and Motor Vehicles and Traffic)

Chapter No. 680 (SB 773/HB 24). Wiretapping - drug offenses. Amends T.C.A. § 40-6-305 to include drug offenses in the offenses to which the Wiretapping and Electronic Surveillance Act of 1994 is applicable.

Effective date: July 1, 1996.

Chapter No. 684 (SB 2177/HB 2052). Domestic abuse - protection orders. Amends T.C.A. § 36-3-601 to define "court" to include judicial commissioners, magistrates, and other officials who may issue arrest warrants for the purpose of issuing ex parte orders of protection when a judge is not available.

Amends T.C.A. § 36-3-606 to provide that the order of protection may order the respondent to stop committing or threatening abuse against children.

Amends T.C.A. § 36-3-619 to provide that when an officer believes all parties are equally at fault, the officer must exercise his/her judgment in determining whether to arrest all, any, or none of the parties.

Amends T.C.A. § 36-3-619 to require officers to offer to transport victims to a location where arrest warrants are issued and to assist the victim in obtaining an arrest warrant.

Effective date: March 29, 1996.

Chapter No. 690 (SB 1942/HB 1947). Exemption from jury service for full-time law enforcement officers. Amends T.C.A. § 22-1-103 (a) to provide a limited exemption from jury duty for full-time law enforcement officers.

Effective date: July 1, 1996.

Chapter No. 710 (SB 2182/HB 1958). Domestic abuse - conditions of release. Amends T.C.A. § 40-11-150 to require law enforcement agencies in custody of a defendant who is charged with domestic abuse but is released to send the victim at the victim's last known address a copy of the release conditions. If the victim is present, a copy can be given at that time. Failure of the law enforcement agency to furnish the release conditions is not negligence per se.

Effective date: April 4, 1996.

Chapter No. 808 (SB 2037/HB 2539). Personal watercraft. Amends T.C.A. Title 69, Chapter 10, Part 2 to regulate the use of personal watercraft on the state's waters. Sets standards for rear view mirrors.

Effective date: April 25, 1996.
Chapter No. 834 (SB 705/HB 549). Apprehension of sexual offenders subject to registration and monitoring. Amends T.C.A. § 49-39-106 (b) to require the DA, upon notification by the TBI, to notify local law enforcement agencies and cause apprehension of a sexual offender subject to registration and monitoring when there is probable cause to believe the offender has violated provisions regulating sexual offender registration and monitoring.

Effective date: July 1, 1996.

Chapter No. 842 (SB 2482/HB 2342). Reports of statutory rape. Amends T.C.A. Title 38, Chapter 1 to allow doctors and health care providers to report statutory rape to law enforcement agencies if the child is pregnant and the doctor or provider gets consent from the patient, parent, or legal guardian. Grants the doctor or provider immunity. Also allows reports of possible statutory rape by the Department of Human Services.

Effective date: April 29, 1996.

Chapter No. 868 (SB 1683/HB 1876). Towing of vehicles. Amends T.C.A. title 55, Chapter 16 to allow the towing of immobile and unattended motor vehicles as well as abandoned ones. The vehicle cannot be towed without permission of the owner until 12 hours have elapsed since it was first observed unless it is creating a hazard, blocking access to property, or is illegally parked.

Amends T.C.A. § 66-19-103 to require that authorization for towing by police departments be made in writing. They must include:

1. The name of the officer giving the authorization.
2. The year, make, model, and color of the vehicle.
3. The reason for towing.
4. The license plate number, if any.
5. The VIN, if ascertainable.

A copy of the authorization must be posted with the vehicle by the officer and remain until the vehicle is claimed by the owner.

Effective date: July 1, 1996.

Chapter No. 870 (SB 2032/HB 1982). Copies of warrants for defendants. Amends T.C.A. Title 40, Chapter 6, Part 2 to give criminal defendants or their attorneys the right to request and receive a copy of any arrest warrant served on the defendant.

Effective date: May 3, 1996.

Chapter No. 878 (SB 2400/HB 2212). Notification of next of kin of accidental death or serious injury. Amends T.C.A. § 38-1-106 to require police officers and employees of police departments to make a reasonable effort to notify the next of kin of any person killed or seriously injured in an
accident before any statement disclosing the person's name is made to the press. The officer's personal opinion will determine whether the person is "seriously injured." The Act grants immunity to the officer and the officer's employees for the opinion of the officer.

**Effective date:** May 3, 1996.

**Chapter No. 903 (SB 2245/HB 1980).** Wiretapping - pen registers allowed. Amends T.C.A. Title 40, Chapter 6, Part 3 to allow circuit and criminal court judges to allow the use of pen registers.

**Effective date:** July 1, 1996.

**Chapter No. 910 (SB 2952/HB 2670).** Forfeiture of vehicle used in second or subsequent DUI. Amends T.C.A. § 55-10-403 (k) to make the vehicle used in a second or subsequent DUI subject to seizure and forfeiture. Local governments seizing vehicles get only 15% of revenues from sold vehicles to compensate for expenses of sale. The state gets 85%.

**Effective date:** January 1, 1997.

**Chapter No. 911 (SB 2954/HB 2673).** Suspension of driver's license for refusing alcohol test. Amends T.C.A. § 55-10-406 (a) (3) to provide for a suspension of 12 months rather than 6 months for persons who unlawfully refuse to take a blood alcohol test.

**Effective date:** July 1, 1996.

**Chapter No. 915 (SB 2955/HB 2871).** Blood alcohol content - .10% or more unlawful. Amends T.C.A. § 55-10-401 to make it unlawful to drive with a blood alcohol content of .10% or more.

**Effective date:** May 8, 1996.

**Chapter No. 927 (SB 3113/HB 3052).** Valuation of killed police dog. Amends T.C.A. § 39-14-205 to provide that the valuation of a killed police dog for purposes of determining the grade of theft prohibited by that section will be done by considering the cost and training of the dog. This Act provides that the justification for killing animals contained in § 39-14-205 (b) does not apply to someone who has committed a crime and is trying to escape.

**Effective date:** July 1, 1996.

**Chapter No. 959 (SB 2594/HB 2274).** Seizure and forfeiture of vehicle for driving on license suspended or revoked for DUI. Amends T.C.A. § 55-50-504 to provide that the vehicle used to violate the statute on driving with a suspended or revoked license is subject to seizure and forfeiture when the license was suspended or revoked for a violation of the DUI statute. Fifteen percent (15%) of the revenue from the forfeiture goes to the local government seizing the vehicle to cover expenses. Eighty-five percent (85%) goes to the state for an alcohol and drug addiction treatment fund.

**Effective date:** January 1, 1997.
Chapter No. 962 (SB 2154/HB 2328). Corporal punishment - criminal charges. Amends T.C.A. § 39-15-401 to prohibit an arrest warrant or summons or criminal charge from being instituted against a parent, guardian, or custodian of a child based upon unreasonable corporal punishment unless the complaint contains a copy of the report prepared by the investigating law enforcement officer or independent medical verification of injury to the child.

Effective date: July 1, 1996.

Chapter No. 985 (SB 2721/HB 2776). Grants for community policing pilot projects. Amends T.C.A. Title 38, Chapter 8, Part 1 to require the POST Commission to establish 2 community policing pilot programs in each grand division of the state. The commission may make a grant of up to $10,000 to selected communities. Communities must submit proposals and satisfy criteria for participation established by the commission.

Effective date: May 13, 1996.

Lobbying

Chapter No. 1063 (SB 2978/HB 2877). Food and entertainment for state officials. Amends T.C.A. § 3-6-114 (b) (8) to allow entertainment, food, refreshments, meals, and beverages to be provided to state legislative and executive officials at official conferences sponsored by an association or umbrella association for elected officials.

Effective date: January 1, 1997.

Mayor - Aldermanic Charter

Chapter No. 652 (SB 2123/HB 2867). General law charters amended. Amends T.C.A. § 6-3-101, part of the general law Mayor - Aldermanic Charter, to clarify establishment and method of increasing or reducing the number of wards.

Amends T.C.A. § 6-4-301, also part of the Mayor - Aldermanic Charter, to clarify that only a city judge who meets constitutional qualifications may hear state cases.

Amends T.C.A. § 6-20-215, part of the City Manager - Commission general law charter, to clarify that ordinances must be passed on only two (2) readings.

Effective date: March 22, 1996.

Chapter No. 666 (SB 2710/HB 2032). Incorporation of certain territories. Amends all three general law charters to allow incorporation of certain territories notwithstanding general incorporation requirements.

Effective date: March 22, 1996.
Chapter No. 708 (SB 3058/HB 2889). Incorporation in Williamson County. Amends T.C.A. §§ 6-1-201 and 6-18-103 to allow incorporation within the prohibited distance of existing municipalities if the municipality by resolution indicates it is not interested in annexing the territory proposed for incorporation. This Act applies only in Williamson and adjoining counties.

Effective date: April 3, 1996.

Metropolitan Governments

Chapter No. 685 (SB 2544/HB 2331). Metropolitan governments - notice required for addition or deletion of roadways. Amends T.C.A. § 54-8-102 to require the county executive of metropolitan and county governments to notify adjacent landowners when a roadway that was formerly part of the county road system and was subsequently abandoned, is added to or deleted from the county road system.

Effective date: March 29, 1996.

Chapter No. 689 (SB 3087/HB 3100). Collection of property taxes by trustee. Amends T.C.A. § 6-55-101 to allow Metro Nashville-Davidson County to authorize the trustee to collect property and merchants' ad valorem taxes that have been delinquent more than 6 months.

Effective date: March 29, 1996.

Chapter No. 741 (SB 3093/HB 2974). Sports authorities - members of board of directors. Amends T.C.A. § 7-67-108 (a) to provide that the board of directors of a sports authority in metropolitan counties may have not more than 13 members. One director must be appointed from each school district and 1 from each state senate district in the county. Terms of current members are not affected.

Effective date: April 12, 1996.

Chapter No. 1078 (SB 2860/HB 2765). Employee representation before boards, etc. Amends T.C.A. Title 7, Chapter 1 to allow employees of metropolitan governments that have a policy allowing employees to join employee organizations to be represented before any board or hearing officer relative to personnel matters by a representative of the employee organization.

Effective date: 

Modified Manager - Council Charter

Chapter No. 666 (SB 2710/HB 2032). Incorporation of certain territories. Amends all three general law charters to allow incorporation of certain territories notwithstanding general incorporation requirements.

Effective date: March 22, 1996.
Motor Vehicles and Traffic
(See also Law Enforcement and Streets and Public Ways)

Chapter No. 609 (SB 2075/HB 2027). Fines for speeding when workers present. Amends T.C.A. §§ 55-8-152 and 153 to set a minimum state fine of $250 for speeding in speed zones where Department of Transportation or construction workers are present.

Effective date: March 18, 1996.

Chapter No. 868 (SB 1683/HB 1876). Towing of vehicles. Amends T.C.A. title 55, Chapter 16 to allow the towing of immobile and unattended motor vehicles as well as abandoned ones. The vehicle cannot be towed without permission of the owner until 12 hours have elapsed since it was first observed unless it is creating a hazard, blocking access to property, or is illegally parked.

Amends T.C.A. § 66-19-103 to require that authorization for towing by police departments be made in writing. They must include:

1. The name of the officer giving the authorization.
2. The year, make, model, and color of the vehicle.
3. The reason for towing.
4. The license plate number, if any.
5. The VIN, if ascertainable.

A copy of the authorization must be posted with the vehicle by the officer and remain until the vehicle is claimed by the owner.

Effective date: July 1, 1996.

Municipal Authority

Chapter No. 788 (SB 670/HB 834). Real property development prohibited. Amends T.C.A. Title 6, Chapter 54, Part 1 to prohibit municipalities from acquiring real property for development or subdivision into residential lots for resale. This Act does not affect the power to do slum clearance or to construct low or moderate income housing.

Effective date: April 22, 1996.
Ordinances

**Chapter No. 623 (SB 2683/HB 2677). Rent control prohibited.** Amends T. C. A. Title 66 to prohibit municipalities from adopting or enforcing ordinances that control the amount of rent charged for leasing private residential or commercial property.

*Effective date: July 1, 1996.*

**Chapter No. 789 (SB 2317/HB 1952). Prohibition of electronic dog locating collars prohibited.** Amends T.C.A. Title 44, Chapter 17 to prohibit local governments from enacting or enforcing any ordinance or rule that prevents the owner of any dog from using an electronic locating collar.

*Effective date: April 22, 1996.*

Open Records

**Chapter No. 724 (SB 2141/HB 2060). Certain archival records granted confidentiality.** Amends T.C.A. § 10-7-504 to grant confidentiality to records given or sold to public libraries when the donor requests this. This exemption does not apply to records received in the course of operation of state or local governments.

*Effective date: April 9, 1996.*

**Chapter No. 862 (SB 2645/HB 2321). Medical records.** Amends T.C.A. § 63-2-101 to clarify that a patient's medical records are not public records.

*Effective date: May 3, 1996.*

Personnel

(See also Retirement and Workers' Compensation)

**Chapter No. 678 (SB 2855/HB 2767). Political activity by employees.** Amends T.C.A. Title 7, Chapter 51 to allow employees of municipalities and counties to be candidates for state or local political office and to participate in political activities just as other citizens may, regardless of charter or ordinance prohibitions. Employees may not run for election to the governing body of the municipality or county unless this is allowed by law or ordinance. Time off work must be limited to earned days off, vacation, or other arrangements worked out between the employee and the municipality or county.

*Effective date: March 28, 1996.*

**Chapter No. 690 (SB 1942/HB 1947). Exemption from jury service for full-time law enforcement officers.** Amends T.C.A. § 22-1-103 (a) to provide a limited exemption from jury duty for full-time law enforcement officers.

*Effective date: July 1, 1996.*
Chapter No. 804 (SB 2066/HB 2021). Unemployment benefits - voluntary tax withholding. Amends T.C.A. § 50-7-301 (c) to allow individuals filing a claim for unemployment benefits to have income taxes withheld from the benefits.

Effective date: January 1, 1997.

Chapter No. 877 (SB 2342/HB 2192). Unemployment compensation benefits increased. Amends T.C.A. § 50-7-301 (b) (1) to increase unemployment compensation benefits for certain classifications.

Effective date: July 7, 1996.


Effective date: May 8, 1996.

Chapter No. 947 (SB 2866/HB 3120). State service for local employees administering state programs. Amends T.C.A. § 8-30-309 to allow creditable state service to political subdivision employees exclusively administering a state rural community health agency contract.

Effective date: July 1, 1996.

Persons with Disabilities

Chapter No. 668 (SB 2271/HB 2053). Guide dog and trainer - access to public buildings. Prohibits denial of access to guide dogs and their trainers to public buildings.

Effective date: March 22, 1996.

Planning and Zoning

Chapter No. 809 (SB 2478/HB 3006). Greenbelt treatment of open space easement property. Amends T.C.A. § 67-5-1009 to provide for use value treatment rather than market value treatment for property subject to an open space easement executed and recorded for the benefit of a local government. The execution of the easement must be preceded by a consultation with the local planning commission. The easement may be canceled by the governing body only if:

1. It has been in effect at least 10 years.
2. The governing body determines the easement is not needed.
3. The planning commission makes this same determination.

4. The owner pays rollback taxes for the 10 preceding years.

The owner and the government may agree to additional cancellation conditions.

*Effective date: June 1, 1996.*

**Chapter No. 977 (SB 2326/HB 2668).** Racial minorities on planning commissions. Amends T.C.A. §§ 13-4-101 and 13-3-101 to require mayors and others who appoint members to planning commissions to strive for racial proportionality on the commissions.

*Effective date: July 1, 1996.*

**Purchasing**

**Chapter No. 611 (SB 2122/HB 2107).** Purchases with street aid funds. Amends T.C.A. § 54-4-204 to require that purchases with street aid funds be made in conformity to public advertisement and competitive bidding laws applicable to the particular municipality.

*Effective date: March 18, 1996.*

**Recreation**

**Chapter No. 596 (SB 2915/HB 2669).** Application and distribution of taxes derived from professional sporting events. Amends T.C.A. § 67-6-212, the section levying the sales tax on amusements, to clarify that the amusement tax applies to charges for seat licenses, skyboxes, luxury suites, and other accommodations for spectators at professional stadiums.

Amends T.C.A. § 67-6-103 (d) (1) to provide that the special allocation of sales tax proceeds provided for by that subdivision will go to the general fund of the municipality and will be limited to 30 years. This Act also amends 67-6-103 (d) (1) to provide for a special allocation to the Memphis sports authority if that authority secures a major league franchise or use of a sports authority facility by a major league franchise. This special allocation authorization ends April 1, 1999.

*Effective date: March 14, 1996.*

**Chapter No. 824 (SB 2093/HB 2809).** Fishing in cities. Amends T.C.A. § 70-2-203 (a) to allow the holder of a fishing license who resides in a city located in 2 or more counties to fish in all waters of the city, including those outside the county in which the person resides.

*Effective date: March 1, 1997.*
Chapter No. 858 (SB 2441/HB 2313). Potty parity in Nashville stadium. Amends T.C.A. Title 68, Chapter 120, Part 5 to clarify that the NFL football stadium in Nashville must have more water closets for women than for men.

Effective date: July 1, 1996.

Recorders

Chapter No. 625 (SB 3017/HB 2856). Recorder certification credit for college degrees. Amends T.C.A. § 6-54-120 to allow 25 hours of credit for an associate degree or 50 hours for a bachelors degree toward the 100 hours needed for certification. Courses approved for continuing education credit may also be applied to satisfy the required hours.

Effective date: March 18, 1996.

Retirement

Chapter No. 660 (SB 2583/HB 2316). Retirement credit through installment payments. Amends T.C.A. Title 8, Chapter 37, Part 2 to allow retirement credit to be established through monthly installments in certain circumstances.

Effective date: July 1, 1996.

Chapter No. 918 (SB 2796/HB 2918). Annual earnable compensation increases. Amends T.C.A. § 8-34-101 (4) (B) (i) to extend increases allowed in annual earnable compensation to June 30, 1997. This is optional for local governments.

Effective date: May 8, 1996.

Chapter No. 1016 (SB 1945/HB 2050) Credit for peacetime military service. Amends T.C.A. § 8-34-605 (c) to allow a retired TCRS member with peacetime military service to establish an additional 6 months of credit for peacetime service when the member has not already received credit for the service.

Effective date: May 15, 1996.

Solid Waste

Chapter No. 846 (SB 2180/HB 2763). Solid waste law amended. Amends T.C.A. Title 68, Chapter 211 to do the following:

- Make it unlawful to dispose of solid waste in violation of the state solid waste law or orders of the commissioner or solid waste board.
- Eliminate the solid waste planning advisory committee.
- Provide for the dissolution and reconfiguration of solid waste regions.
- Allow municipalities entitled to representation on regional boards to agree to joint or multiple representation. An agreement must be made specifying the method of appointing a member who represents more than one local government. Municipal officers and department heads may be appointed.
- Allow 60 rather than 30 days to resubmit another plan after a plan has been disapproved.
- Allow plans to be revised at any time but to require revision at least every 5 years.
- Require approval of revised plans.
- Require a public hearing on revised plans.
- Require revised plans to meet the same requirements as initial plans.
- Require a certification that the authority board, or, if no authority board has been created, each county legislative body has reviewed and approved the plan.
- Change recycling grants to matching grants with the department establishing criteria for matching requirements based upon economic conditions.
- Require municipalities and counties that get rebates on state surcharges in lieu of grants to spend an equal amount of local money on recycling purposes.
- Allow subsequent grants to Big 3 cities for household hazardous waste collection sites if funds are available.
- Require Big 3 cities that receive these grants to make household hazardous waste collection sites available to all county residents.
- Establish a matching grant program to promote new technology. Local governments can participate.
- Reduce the state surcharge on each ton of solid waste disposed of at Class I solid waste disposal facilities from 85¢ per ton to 80¢ per ton from July 1, 1997 through June 30, 1998 and to 75¢ per ton from July 1, 1998 through June 30, 1999. This surcharge expires after June 30, 1999.
- Add a member to the solid waste advisory committee from the state's 4 most populous cities. TML nominates.
• Change education grants to matching grants.
• Require certification of landfill operators only for Class I landfills.
• End scale grants.
• Eliminate volume recordkeeping requirements.
• Require resolutions creating, amending, or dissolving authorities to be sent to the commissioner.
• Change provisions on dissolving authorities.
• Eliminate state assistance grants for solid waste and loans for resource recovery.

*Effective date: July 1, 1996.*

**Streets and Public Ways**
(See also *Motor Vehicles and Traffic*)

**Chapter No. 611 (SB 2122/HB 2107).** Purchases with street aid funds. Amends T.C.A. § 54-4-204 to require that purchases with street aid funds be made in conformity to public advertisement and competitive bidding laws applicable to the particular municipality.

*Effective date: March 18, 1996.*

**Chapter No. 635 (SB 1958/HB 3012).** Transporting children in pick-up. Amends T.C.A. Title 55, Chapter 8, Part 1 to make it a Class C misdemeanor to transport a child under age 6 on public roads in the bed of a pick-up. Exempts parades and agricultural purposes.

*Effective date: July 1, 1996.*

**Chapter No. 685 (SB 2544/HB 2331).** Metropolitan governments - notice required for addition or deletion of roadways. Amends T.C.A. § 54-8-102 to require the county executive of metropolitan and county governments to notify adjacent landowners when a roadway that was formerly part of the county road system and was subsequently abandoned, is added to or deleted from the county road system.

*Effective date: March 29, 1996.*

**Chapter No. 695 (SB 2322/HB 2662).** Mass transit study. Amends T.C.A. Title 4, Chapter 21 to require the Comptroller to do a study of the differences in funding for mass transit for inner city neighborhoods compared to other neighborhoods.

*Effective date: April 2, 1996.*
Chapter No. 761 (SB 2278/HB 2103). Transportation of manufactured housing. Amends T.C.A. Title 55, Chapter 4, part 4 to prohibit movements of vehicles wider than 16 feet. Prohibits "movements" 85 feet or greater in length and 14 feet wide within cities on Monday through Friday from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Requires special permits to transport manufactured housing in certain circumstances.

Effective date: April 17, 1996.

Chapter No. 793 (SB 3164/HB 2746). Speed limits. Amends T.C.A. § 55-8-152 (g) (1) to allow municipalities to set speed limits on streets within the municipality except on interstates and controlled access state highways. Speed limits cannot exceed 55 m.p.h.

Effective date: July 1, 1996.

Chapter No. 817 (SB 2097/HB 3257). Annual inventory of infrastructure needs. Amends T.C.A. Title 4, Chapter 10 to require the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to make an annual inventory of infrastructure needs of local governments. The inventory is to be made through contracts with development districts. The TACIR must consult with each mayor, county executive, planning commission, utility district, and other officials about infrastructure needs for the next 5 years, along with costs and timing. The inventory should not include projects involving normal or routine maintenance. The projects listed should cost at least $50,000. The inventory should be completed by June 30 each year.

Effective date: July 1, 1996.

Chapter No. 882 (SB 2733/HB 2422). Solid waste trucks. Amends T.C.A. § 55-7-203 (7) to apply a 10% margin of error for weight restrictions to trucks hauling solid waste while solid waste is being collected and while being transported to a disposal facility.

Effective date: May 3, 1996.

Taxes - Business

Chapter No. 887 (SB 2185/HB 2789). Definition of gross receipts for staff leasing companies. Amends T.C.A. Title 62, Chapter 43 to define gross receipts of staff leasing companies for purposes of taxes to include only administrative fees and not gross charges.

Effective date: May 3, 1996.

Taxes - Hotel-Motel

Chapter No. 1082 (SB 2165/HB 2179). Hotel-motel tax in Williamson County. Amends T.C.A. § 67-4-1425 to allow municipalities in Williamson County to levy a hotel-motel tax even if the county already has one.

Effective date: ____________.
Taxes - Local Sales

Chapter No. 664 (SB 2979/HB 2800). Lump sum payment of local sales tax on certain rentals. Amends T.C.A. § 67-6-204 (c) to allow lump sum payments at the rate applicable in the particular municipality or county of local sales tax on rentals of personal property from tax exempt entities.

Effective date: March 22, 1996.

Chapter No. 743 (SB 2375/HB 2788). Exemption for boat freight and labor. Amends T.C.A. § 67-6-702 to provide that freight and labor relative to boats will be considered as part of the boat (single article) for purposes of the sales tax cap on single articles.

Effective date: April 12, 1996.

Taxes - Property

Chapter No. 689 (SB 3087/HB 3100). Collection of property taxes by trustee. Amends T.C.A. § 6-55-101 to allow Metro Nashville-Davidson County to authorize the trustee to collect property and merchants' ad valorem taxes that have been delinquent more than 6 months.

Effective date: March 29, 1996.

Chapter No. 707 (SB 2416/HB 2552). Rollback assessments of agricultural land - Greenbelt law. Amends T.C.A. § 67-5-1005 to provide that no rollback assessment may be made because the property fails to meet the requirements for "agricultural land" as long as the land meets minimum size requirements. A rollback assessment will be made if the disqualified land ceases to be used as agricultural land within 3 years or ceases to qualify because of size.

Effective date: April 3, 1996.

Chapter No. 787 (SB 2677/HB 2451). Collection, delinquent taxes. Amends T.C.A. § 67-5-1801 (e) (1) to add Grundy, Johnson, Benton, Loudon, Lawrence, and Sevier counties to the list of counties in which property taxes may be paid by electronic funds transfer.

Amends T.C.A. § 67-5-1512 (b) (2) to change the interest a county or municipality must pay to a taxpayer who has made the tax payment and prevails on appeal from the composite prime rate to 2 percentage points below the composite prime rate.

Amends T.C.A. § 67-5-1801 (b) to clarify that county trustees may adopt a policy of not accepting current county real property taxes when delinquent taxes are owing.

Amends T.C.A. § 67-5-2410 (d) to include the costs of environmental assessments in the court costs of tax suits.
Amends T.C.A. § 67-5-1801 (a) to allow municipalities that certify a delinquent tax list to the trustee or tax attorney to authorize the county officers to do all things authorized relative to delinquent municipal taxes, including conveying any interest of the municipality in the property sold.

Amends T.C.A. § 67-5-1512 (b) (1) (A) (i) to disallow penalties and interest when an assessment appeal is in progress generally if the taxpayer has paid an amount equal to the taxes imposed based upon the appealed assessment or an amount the taxpayer would have to pay after prevailing on appeal.

Amends T.C.A. § 67-5-1512 (b) (2) (A) to provide that the interest a county or municipality must pay after a successful taxpayer appeal is calculated on the amount paid by the taxpayer in excess of the taxes due as determined by final action of the state board of equalization, the assessment appeals commission, or the county board of equalization.

Effective date: April 22, 1996.

Chapter No. 809 (SB 2478/HB 3006). Greenbelt treatment of open space easement property. Amends T.C.A. § 67-5-1009 to provide for use value treatment rather than market value treatment for property subject to an open space easement executed and recorded for the benefit of a local government. The execution of the easement must be preceded by a consultation with the local planning commission. The easement may be canceled by the governing body only if:

(1). It has been in effect at least 10 years.

(2). The governing body determines the easement is not needed.

(3). The planning commission makes this same determination.

(4). The owner pays rollback taxes for the 10 preceding years.

The owner and the government may agree to additional cancellation conditions.

Effective date: June 1, 1996.

Chapter No. 833 (SB 3067/HB 2967). Billboards, tanks and pipelines. Amends T.C.A. § 67-5-903 to allow depreciation of billboards, tanks, and pipelines only if they are not classified as real property.

Effective date: 1996 tax year.

Chapter No. 836 (SB 1428/HB 1167). Double taxation for fire service in Gibson County. Amends T.C.A. § 5-17-105 to allow taxation of municipal residents for county fire service in Gibson County.

Effective date: April 29, 1996.
Chapter No. 967 (SB 2127/HB 2433). Tax relief for elderly low income, disabled, and disabled veteran homeowners. Amends T.C.A. §§ 67-5-702, 703, and 704 to change the bases for determining tax relief for elderly low income, disabled, and disabled veteran homeowners. Provides for annual adjustments of allowable income for elderly low income and disabled homeowners.

Effective date: May 13, 1996.

Chapter No. 974 (SB 2254/HB 2636). Special assessments for solid waste on property tax bills. Amends T.C.A. § 67-5-103 to allow municipalities that fund all or part of waste disposal by special assessment to bill the homeowners on property tax notices. The municipality must bear the costs of placing the notice on property tax bills.

Effective date: May 13, 1996.

Chapter No. 1027 (SB 2232/HB 2270). Tax exemption for property on National Register of Historic Places. Amends T.C.A. § 67-5-212 to grant a tax exemption to a certain parcel of property on the National Register of Historic Places. Requires 2/3 approval of both county and municipality governing bodies.

Effective date: May 15, 1996.

Taxes - Sales

Chapter No. 596 (SB 2915/HB 2669). Application and distribution of taxes derived from professional sporting events. Amends T.C.A. § 67-6-212, the section levying the sales tax on amusements, to clarify that the amusement tax applies to charges for seat licenses, skyboxes, luxury suites, and other accommodations for spectators at professional stadiums.

Amends T.C.A. § 67-6-103 (d) (1) to provide that the special allocation of sales tax proceeds provided for by that subdivision will go to the general fund of the municipality and will be limited to 30 years. This Act also amends 67-6-103 (d) (1) to provide for a special allocation to the Memphis sports authority if that authority secures a major league franchise or use of a sports authority facility by a major league franchise. This special allocation authorization ends April 1, 1999.

Effective date: March 14, 1996.

Chapter No. 721 (SB 2708/HB 2548). Exemption for self-propelled chemical application equipment. Amends T.C.A. § 67-6-102 and 207 to exempt self-propelled fertilizer application equipment from the sales tax.

Effective date: April 4, 1996.
Chapter No. 722 (SB 2917/HB 2653).  **Exemption for Olympic contractors.** Amends T.C.A. § 67-6-209 to exempt from the sales tax the sale to or use of property by a contractor to fulfill obligations of the federal government relative to the Olympic events on the Ocoee River.

*Effective date: September 1, 1996; repealed December 31, 1996.*

Chapter No. 729 (SB 2491/HB 2318).  **Exemption for certain printing chemicals and parts.** Amends T.C.A. § 67-6-102 (12) (C) to include printing component parts and fluids in the definition of industrial machinery for purposes of sales tax exemption.

*Effective date: April 10, 1996.*

Chapter No. 739 (SB 3162/HB 3064).  **Exemption for fabrication of tangible personal property for resale.** Amends T.C.A. §§ 67-6-102, 67-6-209, and 67-1-1802, to clarify that the exemption for fabrication of tangible personal property for resale does not apply to contractors whose principal business is improving realty.

*Effective date: April 12, 1996.*

Chapter No. 770 (SB 2776/HB 2616).  **Exemption for livestock trailers.** Amends T.C.A. § 67-6-102 (8) to include trailers used to transport livestock in the definition of "farm machinery" for sales tax exemption purposes.

*Effective date: April 17, 1996.*

Chapter No. 807 (SB 2208/HB 2536).  **Exemption for certain common carrier repair supplies.** Amends T.C.A. § 67-6-313 to exempt from the sales tax certain repair parts and supplies for common carriers that are affiliated with each other.

*Effective date: April 25, 1996.*

Chapter No. 922 (SB 2372/HB 2986).  **Veterinarian legend drugs.** Amends T.C.A. Title 67, Chapter 6, Part 3 to eliminate or reduce taxes on services of veterinarians and drugs purchased by veterinarians.

*Effective date: July 1, 1996.*

Chapter No. 950 (SB 3151/HB 3034).  **Exemption for food purchases with welfare benefits.** Section 19 of this Act, The Families First Act of 1996, exempts purchases of food using electronic benefits transfer systems.

*Effective date: September 1, 1996.*

Chapter No. 1003 (SB 3061/HB 3138) **Exemption for bicentennial bricks.** Amends T.C.A. Title 67, Chapter 6, Part 3 to exempt the sale of bicentennial bricks from the sales tax.

*Effective date: October 31, 1994.*
Chapter No. 1006 (SB 3209/HB 3212). Exemption for church carpet. Amends T.C.A. § 67-6-209 to exempt from the sales tax carpet installed for a tax-exempt church.

Effective date: May 13, 1996.

Chapter No. 1057 (SB 2772/HB 2471). Exemption for medical supplies. Amends T.C.A. Title 67, Chapter 6, Part 3 to exempt disposable medical supplies and pharmaceutical supplies for treatment of patients outside hospitals and treatment centers from the sales tax.

Effective date: May 15, 1996.

Tort Liability

Chapter No. 957 (SB 2119/HB 2174). Volunteers - liability and indemnification. Amends T.C.A. § 29-20-310 to allow local governments to insure or indemnify volunteers, working at the request and under the direction of an employee, for claims for which the governmental entity is immune. Indemnification may not exceed local government tort limits. The Act specifically provides that the volunteer is liable for amounts in excess of the tort limits.

Regular members of voluntary or auxiliary firefighting, police, or emergency assistance organizations retain their status as employees.

Effective date: May 13, 1996.

Urban Development

Chapter No. 760 (SB 2237/HB 2826). Central business improvement districts - restoration of building facades. Amends T.C.A. § 7-84-520 to give municipalities the authority through the central business improvement district to restore public places, building facades, and building exteriors in public view when this confers a public benefit.

Effective date: April 17, 1996.

Chapter No. 896 (SB 566/HB 561). Inner City Safe Neighborhood Act enacted. Amends T.C.A. Title 13, Chapter 13 to provide for pilot projects in municipalities of over 150,000 population to build sidewalks in inner city neighborhoods.

Effective date: July 1, 1996.

Chapter No. 1032 (SB 2338/HB 2586). Community economic development. Authorizes a program, along with grants, to encourage community-based economic development.

Effective date: May 15, 1996.
Utilities and Services

Chapter No. 591 (SB 2446/HB 2238). Material suppliers' lien - time of taking effect. Amends T.C.A § 66-11-104 to exclude as the beginning time of the material suppliers' lien the placement of sewer or drainage lines, underground utility lines, or other preparatory work.

Effective date: March 13, 1996.

Chapter No. 720 (SB 3135/HB 3161). Theft of cable services. Amends T.C.A. § 7-59-109 to make it a Class E felony to manufacture, import, distribute, sell, or possess descramblers with the intent to steal cable TV service.

Effective date: April 4, 1996.

Chapter No. 794 (SB 2997/HB 2837). Borrowing by electric and gas systems. Amends T.C.A. § 7-34-111 to allow short term borrowing through the issuance of revenue anticipation notes by municipal electric and gas systems. The borrowing must be for the purchase of electrical power or gas, including storage and pipeline capacity costs. The amount of borrowing cannot exceed 60% of the total purchases of electricity or gas in a year and the notes must be paid off within that time. The system must have positive retained earnings and must have produced positive net income 1 year out of 3 immediately preceding issuance of the notes. Notes must be approved by the director of local finance. A 1 year renewal is allowed or notes may be retired by funding bonds.

Effective date: April 22, 1996.

Chapter No. 817 (SB 2097/HB 3257). Annual inventory of infrastructure needs. Amends T.C.A. Title 4, Chapter 10 to require the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to make an annual inventory of infrastructure needs of local governments. The inventory is to be made through contracts with development districts. The TACIR must consult with each mayor, county executive, planning commission, utility district, and other officials about infrastructure needs for the next 5 years, along with costs and timing. The inventory should not include projects involving normal or routine maintenance. The projects listed should cost at least $50,000. The inventory should be completed by June 30 each year.

Effective date: July 1, 1996.


Effective date: July 1, 1996.
Weapons

Chapter No. 905 (SB 2320/HB 2381). **Handgun permits.** Amends T.C.A. § 39-17-1315 to change handgun permitting authority from the sheriff - or chief of police in Davidson County - to the Department of Safety. Eliminates bonding requirement.

*Effective date: October 1, 1996.*

Chapter No. 1075 (SB 2055/HB 1991). **Handgun investigations.** Amends T.C.A. § 39-17-1316 (b) to require notice of an impending handgun sale to be sent to the chief of police of the person's place of residence if a municipality. The chief is allowed to charge a fee of up to $10 to investigate whether the sale would be lawful.

*Effective date: May 15, 1996.*

Workers' Compensation

Chapter No. 790 (SB 2011/HB 1969). **Reimbursement for travel to medical provider.** Amends T.C.A. § 50-6-204 (a) to require, upon request, travel reimbursement at the state rate for employees required by the employer to travel to a medical provider outside the community.

*Effective date: April 22, 1996.*

Chapter No. 919 (SB 3014/HB 2943). **Disability benefits set-off.** Amends T.C.A. § 50-6-114 to allow employers to set off from workers' comp temporary total, temporary partial, permanent partial, and permanent total disability benefits any payment made under an employer funded disability plan when the disability plan allows an off-set.

Amends T.C.A. § 50-6-207 to allow the court to make a finding that a workers' comp lump sum settlement is a payment to be distributed over an individual's lifetime for social security purposes.

*Effective date: July 1, 1996.*

Chapter No. 944 (SB 2539/HB 2425). **Workers' Compensation Reform Act of 1996 enacted.** Amends T.C.A. Title 50, Chapter 6 and other provisions to do the following:

- Establish a special legislative joint committee to monitor workers' comp.

- Change the local government representative on the Workers' Compensation Advisory Council to a non-voting member.

- Allow the use by employers of HMO's and PPO's. Contracts between HMO's and PPO's and medical care providers may include medical bill review, medical practice guidelines, case management, utilization review, and peer review.
• Require case management thresholds to be revised by October 1, 1996 and each year afterwards.

• Provide that for statute of limitation purposes, the issuing date of the final voluntary payment by the employer, and not the date of its receipt, constitutes the time the employer ceased making payments. The employer and insurer must provide this date on request. The running of the 1 year limitation period is suspended from the date of the initial request for a benefit review conference until 30 days after either a written agreement or report is filed with the commissioner. The running is also suspended from the date the department received a proposed settlement until the department approves or rejects the settlement.

• Require the commissioner of labor or designees to approve proposed settlements when the employee is represented by counsel unless the parties agree otherwise. Settlement must be approved or rejected within 3 business days. If this is not done, it may be submitted to a court.

• Make attorneys' fees subject to approval by the commissioner or the court. Makes attorneys' fees for attorneys representing employers subject to review for reasonableness when the fee is more than $10,000. When an employee's attorney's fee exceeds $10,000, the court must make specific findings of factors that justify the fee. The $10,000 threshold will be adjusted each year. In death cases, where the employer makes a voluntary settlement, the plaintiff's attorney's fee cannot exceed reasonable payment for actual time and expenses.

• Make doctor and hospital charges subject to approval of the commissioner or court. Unless a fee is contested, the department must deem it reasonable.

• Require the medical care and cost containment committee to establish a fee schedule for doctors' depositions.

• Require temporary disability payments to continue for up to 60 days after maximum medical improvement pending the benefit review conference.

• Make benefit review conferences mandatory if a conference can be scheduled within 30 days of the time of the request or the court mandate.

• Require all insurers and self insurers to report claims and other information to the Commissioner of Labor.

• Requires employers and their insurers to begin payment of disability and medical benefits no later than 21 days after an entitling event.

• Provide for activation of the state workers' comp fund if membership in the assigned risk pool exceeds 10% of the eligible employer market. Or, in the alternative, the commissioner may randomly assign all assigned risk plan policies to insurers offering workers' comp.
• Establish a fraud unit in the T.B.I. to investigate workers' comp fraud.

• Require insurers to have an anti-fraud plan.

• Create a presumption that an accident was caused by drugs or alcohol for employers with a drug-free workplace when the blood alcohol content is .10% for non-safety sensitive positions and .04% for safety sensitive positions or if there is a confirmed drug test. To have a drug-free workplace, the employer must adopt the drug testing policy set forth in the Act. The Commissioner of Labor must provide by rule for the regulation of drug testing.

• Require employers using the drug testing rules provided in the Act to give all employees and job applicants a one-time written policy statement. Sixty days must pass before the drug testing program may begin.

• Require covered employers to include drug testing notices on job announcements and to post the testing policy in a conspicuous location and make it available in the personnel office.

• Allow covered employers to rescind coverage.

• Require job applicant testing, reasonable suspicion testing, routine fitness for duty testing, follow-up testing, and post accident testing. Any lawful drug testing is allowed.

• Require a confirmation test and review by a medical review officer before an employee can be discharged, disciplined, or discriminated against because of a positive drug test. This also applies to refusal to hire job applicants.

• Require chain of custody measures that comply with DOT regulations or other standards approved by rule of the Commissioner of Labor.

• Prohibit employers from discharging, disciplining, or discriminating against an employee who voluntarily seeks treatment for a drug-related problem if the employee has not previously tested positive or been in treatment.

• Provide that an employee or job applicant with a confirmed test is not, by that result alone, considered disabled.

• Allow employers to establish reasonable work rules relative to drugs and to take action based on those rules.

• Provide that no cause of action arises based upon failure of an employer to have a drug testing policy.

• Make all information received by an employer through a drug testing program confidential. Prohibits its discovery.
• Allow employers to discharge or refuse to hire a person for refusing to take a drug test.
• Make information obtained through drug testing policy inadmissible in criminal proceedings.
• Allow premium discounts for employers with drug-free workplaces.
• Require the Commissioner of Labor to set standards by rule for the adjustment and settlement of claims.

*Effective date: Generally July 1, 1996; provisions on settlement of claims and activation of the state fund take effect January 1, 1997.*
The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of education opportunities or employment opportunities and benefits.

The University does not discriminate on the basis of sex or handicap in its education programs and activities, pursuant to requirements of Title IX of the Education Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment by and admission to the University.

Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Gary W. Baskette, Director of Business Services, 109 Student Services and Administration Building, Knoxville Tennessee 37996-0212, (423) 974-6622. Charges of violation of the above policy should also be directed to Mr. Baskette.

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